

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
JULIET HOMES, LP,	§	CASE NO. 07-36424-H1-7
JULIET GP, LLC,	§	CASE NO. 07-36426-H1-7
DOUGLAS A. BROWN,	§	CASE NO. 07-36422-H1-7
DEBTORS	§	(Chapter 7)
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JOSEPH M. HILL, TRUSTEE	§	
AND W. STEVE SMITH, TRUSTEE,	§	ADVERSARY NO. 09-03441
PLAINTIFFS.	§	ADVERSARY NO. 09-03441
V.	§	ADVERSARY NO. 09-03429
ALEX ORIA ET AL.,	§	
DEFENDANTS.	§	CIVIL ACTION NO. H-12-840

**DAVID GREENBERG'S AND GREENBERG & Co.'S
RESPONSE TO TRUSTEES' REPORT AND
OBJECTION TO MEDIATION
[REGARDING DKT. 34]**

David Greenberg and Greenberg & Co. (the “Greenberg Defendants”) file this Response to Trustees’ Report and Objection to Mediation.

1. The Trustees’ Report (the “Report”) was filed on February 28, 2014. On February 28, 2014, at approximately 2:00 o’clock p.m., Counsel for the Greenberg Defendants received the Trustees’ proposed report and immediately attempted to confer with Counsel for Trustees. Counsel for the Greenberg Defendants suggested additional language that could be added to the Report in

order to more fully explain the Greenberg Defendants' position. Due to time constraints, the additional language proposed by the Greenberg Defendants was not included in the version of the Report that was ultimately filed.

2. The Greenberg Defendants object to mediation because they have already conducted unsuccessful settlement negotiations directly with the Trustees, and do not believe that a mediation between the Greenberg Defendants and the Trustees would be constructive.

3. The Greenberg Defendants base this conclusion on several data points. On November 6, 2013, the Trustees and the Greenberg Defendants met in person for approximately two hours to discuss settlement. Since that date, Counsel for the Trustees and the Greenberg Defendants have participated in several rounds of telephone calls and emails in efforts to pursue settlement. After such communications, the parties are still too far apart for the Greenberg Defendants to reasonably believe that a mediation would result in a settlement. The Greenberg Defendants do not believe that a mediator will be useful in bridging the gap.

4. The Greenberg Defendants respectfully request that the Court refrain from ordering them to incur the expense of participating in a mediation session that they do not anticipate will be successful in achieving a resolution, grant the Motion for Separate Trial [Dkt. 29], and grant all other relief to which they are entitled.

Dated: March 4, 2014.

Respectfully submitted,

By: /s/ Kent Altsuler

Kent Altsuler
Texas Bar No. 24001646
Federal ID No. 23424
Attorney-in-Charge for David Greenberg
and Greenberg & Co.
2800 Post Oak Boulevard, 61st Floor
Houston, Texas 77056
713.960.0303 - Telephone
713.892.4800 - Fax
kaltsuler@nathansommers.com

OF COUNSEL:

NATHAN SOMMERS JACOBS

A Professional Corporation

George R. Gibson

State Bar No. 00793802

Federal ID No. 19879

Richard A. Kincheloe

State Bar No. 24068107

Federal ID No. 1132346

2800 Post Oak Boulevard, 61st Floor

Houston, Texas 77056

713.960.0303 - telephone

713.892.4800 - facsimile

gibson@nathansommers.com

rkincheloe@nathansommers.com

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Response to Trustees' Report and Objection to Mediation has been served on March 4, 2014 in the following manner:

For Joseph M. Hill, Chapter 7 Trustee

Jeremy R. Stone
Susan Hardie Jacks
Mehaffy Weber
500 Dallas, Suite 1200
Houston, Texas 77002

By ECF, E-Mail and First Class Mail

Theresa D. Mobley
Cage Hill & Niehaus, L.L.P.
5851 San Felipe, Suite 950
Houston, Texas 77057

By ECF and First Class Mail

For W. Steve Smith

Blanche Duett Smith
McFall Breitbeil & Smith
1331 Lamar Street, Suite 1250
Houston, Texas 77010-3027

By ECF and First Class Mail

For Melissa Thomas

William S. Chesney III
Frank, Elmore Lievens Chesney & Turet, L.L.P.
9225 Katy Freeway, Suite 250
Houston, Texas 77024-1564

By ECF and First Class Mail

For Michael Ecklund

Kendall Johan Burr
Edison, McDowell & Hetherington, LLP
3200 Southwest Freeway, Suite 2920
Houston, Texas 77027

By ECF and First Class Mail

For Mir Azizi

John H. Bennett, Jr.
Attorney at Law
2777 Allen Parkway, Suite 1000
Houston, Texas 77019-2165

By ECF and First Class Mail

For Alex Oria

Steve Martin Williard
The Williard Law Firm LP
1920 North Memorial Way, Suite 207
Houston, Texas 77007

By ECF and First Class Mail

For James Thomas

Steve Martin Williard
The Williard Law Firm LP
1920 North Memorial Way, Suite 207
Houston, Texas 77007

By ECF and First Class Mail

For Bob Shiring

Peter Johnson
Law Offices of Peter Johnson
Eleven Greenway Plaza, Suite 2820
Houston, Texas 77046

By ECF and First Class Mail

For Damazo F. Vidal

Randall A. Rios
Timothy Aaron Million
Munsch Hardt Kopf & Harr, P.C.
700 Louisiana, Suite 4600
Houston, Texas 77002

By ECF and First Class Mail

For Julian Fertitta

Bennett G. Fisher
Fisher and Associates, PC
1800 Two Houston Center
909 Fannin Street
Houston, Texas 77010-0000

By ECF and First Class Mail

T. Josh Judd

Hoover Slovacek, LLP
5847 San Felipe, Suite 2200
Houston, Texas 77057

By ECF and First Class Mail

For Tullis Thomas

William Allen Gage, Jr.
Buck Keenan, L.L.P.
700 Louisiana, Suite 5100
Houston, Texas 77002

By ECF and First Class Mail

For TMCM Ventures, LP

William Allen Gage, Jr.
Buck Keenan, L.L.P.
700 Louisiana, Suite 5100
Houston, Texas 77002

By ECF and First Class Mail

For Muduganti J. Reddy

Marilee A. Madan
Marilee A. Madan PC
3109 Avalon Place
Houston, Texas 77019

By ECF and First Class Mail

For Ravi Reddy

Marilee A. Madan
Marilee A. Madan PC
3109 Avalon Place
Houston, Texas 77019

By ECF and First Class Mail

For Shreyaskumar Patel

Marilee A. Madan
Marilee A. Madan PC
3109 Avalon Place
Houston, Texas 77019

By ECF and First Class Mail

For Raj M. Rangwani

Martin M. Hokanson
Attorney at Law
22503 Katy Freeway
Katy, Texas 77450

By ECF and First Class Mail

For Sanjay Varma

Martin M. Hokanson
Attorney at Law
22503 Katy Freeway
Katy, Texas 77450

By ECF and First Class Mail

For Richard Robert

William Allen Gage, Jr.
Buck Keenan, L.L.P.
700 Louisiana, Suite 5100
Houston, Texas 77002

By ECF and First Class Mail

For Terry Luttrell

Patrick D. Devine
Attorney at Law
5120 Woodway Drive, Suite 8002
Houston, Texas 77056

By ECF and First Class Mail

For Vincent Galeoto

Leonard H. Simon
Pendergraft & Simon L.L.P.
2777 Allen Parkway, Suite 800
Houston, Texas 77019

By ECF and First Class Mail

For Tom Pirtle

Steven A. Leyh
Leyh & Payne, LLP
9545 Katy Freeway, Suite 200
Houston, Texas 77024

By ECF and First Class Mail

For Pirtle Investments, LP

Steven A. Leyh
Leyh & Payne, LLP
9545 Katy Freeway, Suite 200
Houston, Texas 77024

By ECF and First Class Mail

For Najmuddin Karimjee

George R. Gibson
Nathan Sommers Jacobs
2800 Post Oak Boulevard, 61st Floor
Houston, Texas 77056

By ECF and First Class Mail

For Saifi LLC

George R. Gibson
Nathan Sommers Jacobs
2800 Post Oak Boulevard, 61st Floor
Houston, Texas 77056

By ECF and First Class Mail

For Warren Guy King

Warren G. King
5909 West Loop South, Suite 490
Bellaire, Texas 77401

By ECF and First Class Mail

**Attorneys for Lawrence H. Ramming, Arcoa, LLC,
Arcoa Advisors, L.L.C., Arcoa Capital Partners, L.P.,
Arcoa Funding, L.L.C., Arcoa Investment Advisors, L.C.,
Arcoa Investments Management Group, L.L.C., and
Arcoa Properties, L.L.C.**

Richard L. Fuqua
Fuqua & Associates, PC
5005 Riverway, Suite 250
Houston, Texas 77056

By ECF and First Class Mail

Attorneys for Doug Brown and Bernie Kane

Craig Cowgill
J. Craig Cowgill & Associates
8100 Washington Avenue, Suite 120
Houston, Texas 77007

By ECF and First Class Mail

**Attorneys for Joanna Gober, Edward O'Hair, and
Ashley O'Hair**

J. R. O'Brien
Law Offices of J. R. O'Brien, P.C.
6161 Savoy Drive, Suite 1132
Houston, Texas 77036

By ECF and First Class Mail

Attorneys for Thai Nguyen

Misty A. Segura
Craig E. Power
Cokinos, Bosien & Young
Four Houston Center
1221 Lamar Street, 16th Floor
Houston, Texas 77010-3039

By ECF and First Class Mail

Attorneys for Binh Ho

Stephen Ray Smith
Kristin Wallis
Christian Smith & Jewell, LLP
2302 Fannin, Suite 500
Houston, Texas 77002

By ECF and First Class Mail

/s/ Kent Altsuler

Kent Altsuler